The Sunday Oregonian.

VOL. 3—NO. 3 PORTLAND, OREGON, SUNDAY, DECEMBER 30, 1883 PRICE—TEN CENTS

TRESPASSES

A gentleman of this city, who is a thoughtful and intelligent man whose beautiful home adjoins the city limits, has evidently read with considerable interest and attention the article which appeared in this department of last Sunday's paper. Now my ill-timed criticism of the article and another which it has done. To begin with, what I wrote and what appears in print are not one and the same thing. The third paragraph which appears on its face to be an angry fling at Mr. Villard (with whom my personal relations have always been of the most kindly nature) should have been the fifth paragraph, and was intended as a homily upon the manner in which the Chinese element of California has used the courts for its own selfish purposes, regardless of every principle of right and justice. The objection to which I now allude was first shown in the supreme court of California in its adherence to legal technicalities, and ridiculed for the, when it should have upheld rights and sought by to show good and honest men who had accumulated money by industry and self denial, the danger in which they stood from the aggressive acts of other rich men who had been less scrupulous in their acquisition of wealth.

Last Saturday night I dined with a gentleman who has represented the state at Washington years gone by. That novel must have before beyond a mere introduction and was pleased to find him just what I had expected a man—clear head and excellent judgement combined with deep research and almost every question. His opinion in law was of the company probably the most prominent attorney in the state of his day. The conversation turned upon an Oregon pioneer, Hon. J. Williamson, in company with whom my host had ventured at Prowers Bluff on green river, in 1849 and crossed the plains to Oregon in the following year. My friend had got the idea that Mr. Williamson's misfortunes had arisen from his love of horses and his participation in a certain impression that is quite current among Mr. Williamson's former acquaintance is one upon whereas nothing could be further from the truth. His first bankruptcy arose from staging and steamboat enterprises in company with the late J. Monroe, whose extravagance and mismanagement would have broken up William B. Astor as certainly if not as quickly as they did Henry Williamson. But from that he speedily recovered, and from 1850 to 1866 Mr. Williamson, from his great horse Belmont average not less than five thousand dollars per annum, and his colts always earned their keep and odds as a rule. Indeed Miami never lost a stake in which she was engaged, either at two or three years old.

It was his opinion that he, Mr. Henry Williamson, litigation of the most cruel and despicable sort. In 1857 he had saved enough from the wreck of his property in Missouri to purchase 640 acres in Alameda, and adjoining the present limits of the city of San Leandro. He bought it from Henry E. Pierce, who deeded it to him from Victor Castro, the land being a portion of the original grant of the Soto Rancho to Castro from the Mexican government. Castro was then in command of California, who drew the line of the property granted to Williamson and the papers and many were exchanged in Carpentier's office. Everybody was satisfied. In 1855 Carpentier became the attorney [illegible] Lewis, whose antagonism to Williamson and his claims of speculation in favor of his wife's sister. William. The first he was brought in the name of Peralta Jones is the second in the name of Felipe Serra and the third in the name of a woman named Maria Perez. All these cases were by right in fact a mere and involved the greatest expense and annoyance. Successive suits ran along till 1862 during which time Mr. Williamson sold nine head of blooded horses at applied the proceeds to fee to lawyers and costs in courts to the extent of over five thousand dollars.

In 1864 Carpentier had got the Peralta family pretty well under his thumb and brought suit in his own name in a state court to eject Williamson from the land as well as to recover damages as back rent of the same. Williamson's attorneys (Shafter Heydenfelt and the late T. W. Park) beat Carpentier in the court below but when the case got to the supreme court it was held by a majority of the bench that Carpentier on nothing but technicalities. As this was but one of a hundred similar land cases in California, which have made good men hopeless and broken up the prison dwell and legislation of the state, it seems to Oregon as if there are no defective land titles enabling unscrupulous attorneys to fleece men out of their hard earnings. Henry Williamson of his living and is what I used to know him for as the very personification of honesty. From 1850 to 1862 a more certain knowledge he paid over $20,000 of outlawed debts, in addition to bearing the expenses of the aforesaid costly and unjust litigation. Wherever he may be there is one heart that sympathizes with him deeply and tenderly in the cruel wrong he was made to suffer through sixteen years of protracted law and outraged justice.

When I had finished the story of poor Williamson's wrongs both the ex-congressman and his son-in-law the attorney expressed their astonishment that any court of last resort could dare to insult public opinion with such rulings and added that in their belief the supreme court of California bowed an apology to the American bar at large. This in turn brought the conversation upon the McLaughlin case of murder. The ex-congressman said I cannot justify such acts nor in any way condone them but from all I have been able to read about the affair it is only astonishment as that it has not occurred before. And this was from a man who had been at different times both lawyer and ecclesiast and one whose sagacity and plain common sense cannot at this late date be questioned. Now no man can kill his neighbor in this state always excepting in self defense, and he has not the right to do so even though the person who threatens his life be a United States senator. Such is the law, and it is the duty of every citizen to uphold it. Public sentiment will not justify the killing of Senator Broderick by Judge Terry, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Baker by Bridges, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Sharon by Newton Booth, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Stanford by Gen. Barnes, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Fair by Mr. Neal, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Hearst by Mr. Haggin, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Crocker by Mr. Huntington, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Huntington by Mr. Crocker, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Stanford by Mr. Huntington, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Fair by Mr. Haggin, and the latter was properly punished for the crime. Public sentiment will not justify the killing of Senator Hearst by Mr. Neal

The Daily Pr
SATURDAY MORNING, D

DECISION IN A PAT

United States Circuit Court Di

Friday, December 28

William T Coster, Joseph F Mann, Williams, vs Susan A Slocum [Clinton]. No 939 Actf Infringement of a p

(1) Construction of pleadings R S., the pleadings in an action ment of a patent must be verific § 99 of the Oregon code of civil (2) Double pleas on one cause law and under the code specia may be pleaded with the gen. tra of the allegations of the complai (3) Defendants sued as action rom The five matters which may be upon notice under the general iss § 4920 of the R S as defenses to infringement of a patent may be with the general issue, and e this may be pleaded specially with the general issue and also notice (4) § SPECIAL PLEAS CRITICISED. Q cient to allege in a special pl patented was duly marked with without also alleging that the otherwise so and of the invention a plea that the thing patented tion was produced by the petition of the special matter, that not the original and first inven defense that the invention is n specially pleaded.

DEADY, J

This is an action on the case, p six thousand dollars and costs. damages from the defendants th ment of a patent for an imp ventilating water closets, urina

The defendants plead the gen guilty" —and give notice of the which they expect to prove the trial as provided in §4900 of idws. The said invention was produced by the patentee, an original inventor thereof for th rams was previously patented February 10 1874, and for t ratus or system was previous known and used, specifying six and when and by whom it known and used.

The answer also contains th to the effect

(1) The plaintiffs have nev invention with the word "Pat will the date of the patent, the covered by the patent in tion which produced" by the The said invention and every was not useful when produ ence or at any time

The specifications move to strik pleas for the reason they are provided in § 78 of the Oregon procedure and because they pleaded with the general issue plus sage and frivolous

The motion is based upon tion under § 916 of the R S., this action and the general ion allowed by § 4920 of the ended by the act law. Feb 5 of the act of June 1874 provides that pleadings and forms of proceeding in civil causes and admiralty causes, in the courts shall conform, as to the practice, pleadings and of proceedings, existing at t causes in the courts of the sta

In Nudd v. Burrows 91 U held by the supreme court that did not apply to the personal judge in the discharge of h tions;" but in delivering the Mr. Justice Strong the purpose of the g bring about uniform law of procedure in the federa of the same locality which cordant by reason of the diff in many of the latter while pleadings, forms and practice in the former To the same epoch, also, by Congress Sept

To give the enactment full to this suggestion it would p of the paten act of July 8 1870 (16 Stat at R S § 4920 20 of the R S) section for infringement to re the defendant desires to be mad "not guilty," and notice of sp the province must be further affecting other provisions in gress concerning procedure courts And this must be far as such provisions have the revised statutes and re-en along with said § 5 of the act the R S.) They are now co construed together as statutes

But still it is manifest that by the amendment of 1870 uniform to fit the procedure in state courts "as near as may be

But this uniformity "shall as otherwise provided by the as where, as was said in Indi provision" in the state statu the judges of the national c would unwisely encumber of the law or tend to defeat it in their tribunals

Although then that the defen on the case, which is based on action under the code, may issue and give notice of the the plea to be very the loca. law? The law of o upon this point and there local law to file the verific ing by the oath of the party w either to "unwisely encumber rom of the law" or "to defeat § 66, but the contrary

The verification of pleas the contention between th vowed to the minimum, promote the ends of justice, the parties to limit their con matters as they can respect deny on oath" I think he is, within the purview of t and that therefore the pleadi ought to be verified—not only which are in addition to the lowed by § 4920, supra, b

The right to plead the same not of the special matters a sty of the patent, instead of pl specially, in a proviso of which d avail himself at his option He fact or matter specially wit other notice of it. Evans v. 508)

But the five matters which ch in dividen under the general only defenses to an action t Walker in his late work on summarizes 97 of these "that are based upon a fact of wh take judicial notice as that t by the patent is not patentable opinion may be the subject and with the exception of the five above referred to, must be specially pleaded, as in case of a defense of "prior use" Oregon v. Wilder 94 Unite Ourt. on Pat, §§ 357-8 Wa Code Civ. Pro., § 72

The objection that these wrongly pleaded with the gen will be taken, either at common ceds

At common law the defens with the general issue only not require a different mode chided in the country—except who this was done at Lord t was an attempt of the nation Could a Plea And under the code n besides controverting the ac corpis-at by denying them stance and effect the gener many defenses as he may ing these specially, and a special plea. Code of Civ P

My conclusion is, that the p action for infringement not and defendant, except as p provide, by the act of co by and must conform to the

The special pleas now befo quired by that law the motion ut is allowed (Code Civ Pro has inclined the general issue been allowed so to that do cision renders it unnecessary or the pleas are frivolous or

The plea one, which is for the paten act of 1870 R S) does not allege fendant was not po infringement subject to this which I being affected by the The second one appears o of the special matter of which given under the general is entire was not the original h of the thing patented. The for striking it out should be But the third one asserts good defense which is not

Walk Pat 448

C. P. Herdt for the plaintiffs

D. P. Kennedy for the defendants

The Hon. George H Pendleton is running for United States senator in Ohio with the Cincinnati *Enquirer* hint after him His "civil service bill" is the stricken which has come home to roost. Ohio democrats are saving to one another: "What are we here for if not to circle the connector of such ed-lemon trate measures? It is to be no baby fight when the factions of the Ohio legislature look

Sunday Orego
SUNDAY MORNING, DECEMBER 30 1883

THE MELBOURNE CUP.

A Graphic Picture of a Splendid Contest on Flemington's Plain.

MARTINI HENRY THE WINNER

A Very Fast Race Won by the Grandest Colt Ever Foaled in the Colonies—Scenes About the Course and Stands.

Melbourne (Aus.) Argus Nov

In due time the saddling bell rang, the horses out for the Melbourne Cup and at that sound a curious hush seemed to come over the crowd The great event for which there had been so many months preparation with the attendant hopes and disappointments and on which so many, many thousands of pounds of public money was depending would be decided in a very few minutes The trainers with careful nervous hands rubbed the preparation off their horses and led them on to the course to take their chance in the great struggle with a sigh of relief, to think that in a few minutes all would be over Ever and again there would intrude a feeling of doubt as to whether the horse which had caused them so many anxious wakeful hours was not just one gallop short, or worse still if that last trial had not left the race on the ground The latter by the way is by far the more frequent error committed by even the most experienced trainers of racehorses Long ere this every seat in the stand had been occupied the alleys and corridors of the great building were densely packed and such a thing as getting up or down was utterly impossible That unlucky pressman who had delayed to the last minute his stay in the paddock found his progress to the upper stand as hopelessly barred as if those arrangements had not been pierced through the massive wall The only horses scratched on the ground were Sir Modred Off Colour, and Sigror leaving a fine field of twenty nine horses to compete for the mastery in the most exciting race in the Southern Hemisphere In accordance with the custom at Flemington when the horses are brought out for the Melbourne Cup they were paraded along the lawn and taken on to the course at the gate near the judges box

AT THE HEAD OF THE SQUAD

Came the champion winner Lommotion looking he very pink of condition and all the bettor for his gallop in the Melbourne stakes on Saturday last who he beat several of the best colts of the day in a canter Shoo William, with Reardon in the saddle was next He looked well to the eye but few noticed him, the general opinion being that he was not likely to distinguish himself both drawn out to his furthest and the stride at the point of wingin away after the spar recovered Mr Watson has demounted He was in front of the line soon after the race, one Mr Watson General Boom with nine marches along the rein of soldiers with his naked sword ere ended in front of him so that the point must reach the rear Pony or no pony Grenadier Soldier by the tartar pulled to the right of the course Hotham by the rest Ada Ballan a good colt ought to have done better than he did work Cunnamulla looked a good form but he has so frequently disappointed his backers that he was not trusted in the occasion Archer was the horse that attracted perhaps more notice than any other The handsome son of Rapidity looked markably well Calma was evidently in splendid order and as he walked along the course showed out star and eminently under his satin skin His brilliant performance at Caulfield gave promise that he would give his backers a good race for their money Magnet was not well First Water was overlooked The gallant little chestnut would have created a rare surprise had the jockey of the scale been Mr Ellis Nicholls even with the advantage in point of Hakeda the saddle found no favor with the public Pole though fast is not a taking horse to the eye and he was consequently but very little noticed

PINK BATTERSEA'S

Was eagerly looked or This was the horse that, according to the famous dream was to carry off the cup and in some quarters of which thousands had been speculating on the doings of Martini Henry and Mark Twain also for Lurline and Cup, though a well staid contender Until the eyes of a cup winner should and the general feeling as he moved down the lawn was one of disappointment After the Camp was much more fancied, his appearance gave one the idea that he had undergone a thorough preparation and was as fit as could be wished after it. Martini Henry and Despot were together and taking as the hands the grey as he was thought, nothing, of beside the Derby winner who had evidently suffered nothing from his overdose on Saturday Lochiel trap whose support by the stable has he right him into public notice of late was apparently in rare fettle, and looked as if his light weight would not trouble him He carried a large sum of money for the followers of the black and gold. Recovery who went in bandages Bulkeden the chestnut son of the St Albans stable and Kohinoor, the Ballarat selection, were allowed to pass without comment Lesbia Lydia Faithful Mavourneen and Bis Bis were not thought to have a ghost of a chance Le Grand looked well, and his backers hoped that the weight of his back and the extra pounds might assist him First Demon, who has been selected for a position by so many tipsters was closely scanned Though apparently on the small side he nevertheless inspired much confidence and his backers had great hopes of his coming at the right end when the heavier weights were taking The horse were quickly brought on to the track and the preliminary gallops commenced

* Keep clear the course for here they come

The clattering greyhounds run,
In the very sport of their strength and pride
Hail that a the favourite 100k at his stride
It suggests the idea of wings

AN EXCITING RUN

No sight could be more interesting all over of that most beautiful of all domestic animals the thoroughbred horse, than to see such a field as that which started for yesterday's cup taking their preliminary gallop, they seemed so conscious of their perfect beauty, and their every movement was so graceful while their glossy coats glistened in the sun into magnificent Coronation dress. along, with a determined air that evidently meant business Nicholas had an easy springy motion that looked like lasting Archer stood perfectly but was noticed that Gough who rode him did not send him along very fast Martini Henry and Despot strode along well together by rule and gallop The action of negray was very taking but he only acted as a foil to Martini Henry than which a finer specimen of an English thoroughbred horse it would be difficult to find in Australia Calma swept on the near side with a smooth level stride that placed Kinsey's First Water's action was also much admired level and true, the whole animal showing a horse borne at the end of a wonderful race Dick Hattersley on this colt in hand had two mounts since action to please as exports And do Ossip's style of getting over it Round was just long for a cup horse Claptrap was apparently in perfect health attitudinizing at a great pace, and gave indications of possessing a rare dash of foot when put to him most Gradually the horses move into the far end of the straight, and as Mr Watson appears on the course Mr Hayes's bell rings out the few racehorses left near the stand take their for the post to avoid a time for losing last

BEFORE THE AIR

There is a lull in the agitation of the crowd and in the excitement of the scene It is the calm which precedes the storm—the lull before movement which prepares you to be seen as started by the one cardinal rule that will bring the Passionmusic of the day to a triumphant and successful close Presently up rising, it is the hurry for luncheon the hour when the long shed in the carriage paddock is transformed into an unadorned dining room for innumerable picnic parties when under shade of canvas awnings or the open air, champagne corks are popping and the merry laugh rises on the air with free and easy gaiety

OF THE LEADING C

Commotion if at Demon Adonde Camp First Water, Martini Henry and Dulcedene in some dreams Even as the white flashed before they took the lead Dulcedene Martini Henry and Despot were running together Adonde Camp and Claptrap following Under the latter pulls a length to the front as if the others were standing and in a moment had a clear lead, he be everything From this point the race was virtually over Martini Henry came in an easy winner by three lengths running pretty well the first half of the race The Despot Dulcedene Claptrap Adonde Camp were showing prominently at the head of the others passing the stand Claptrap was leading, Archer and gone up to second place and was nearly pulling Gough out of the saddle First Demon was running, next in a cluster Just after passing the stand Despot stumbled and nearly fell then by the untimely hoof and many a pace from put himself well into the running Archer Martini Henry were lying third and the main body Claptrap Bellissima close round the turn into the straight Adonde Camp with his head nearly level First Demon Martini Henry Dulcedene Archer Camp and Bellissima were in close view Nicholas Despot and Le Grand were next Behind these came Calma Sir Modred Off Colour and Magnet Sardius and Aldo Camp Cloister Bis Bis was last a long way behind and very tired also

WINNERS IN FORMER YEARS

Yr	Owner	Winn'r and Age	st	lb	m	s
1861	De Mestre	Archer 5 yr	9	7	17	0
1862	De Mestre	Archer 6 yrs	10	2	7	30
1863	Hawker	Banker 3 yrs	5	6	7	0
1864	H Fisher	Toparch 3 yrs	5	6	7	30
1865	Marshall	Lurley aged	7	0	8	10
1866	J Tait	The Barb 4 yrs	6	12	7	40
1867	De Mester	Tim Whiffler 6 yrs	9	12	8	45
1868	Tait	Glencoe 6 yrs	9	12	8	5
1869	Scott	Wayfor 6 yrs	8	10	8	40
1870	W Craig	Nimblefoot aged	6	12	8	33
1871	J Tait	The Pearl 5 yrs	7	7	8	20
1872	J Tait	Thopinick 5 yrs	7	10	8	30
1873	W Johnson	Don Juan 4 yrs	6	12	8	10
1874	A Innes	Hartigan 4 yrs	7	10	8	17
1875	Sharp	Welcome 4 yrs	7	8	8	30
1876	J Wilson	Hira 5 yrs	8	4	8	30
1877	J White	Chester 4 yrs	8	12	8	30
1878	D Mestre	Glenloe 6 yrs	8	7	8	30
1879	Hawkins	Darby 5 yrs	7	5	8	30
1880	W Long	Grand Flaneur 5 yrs	8	7	8	34
1881	McConnell	Zulu 4 yrs	8	10	8	32
1882	E Saxon	Tri Asserat 5 yrs	8	7	8	32
1883	Wallis	Martini Henry 5 yrs	7	7	8	30

Including 2 over

WHO HE DID SAY

General Sherman Tells Ned Preddet in Other War

New York Dec 21

I [illegible] conversation [illegible] Sherman [illegible] on whether he had made [illegible] statement [illegible] in his speech [illegible] Sherman said that there was [illegible] in it [illegible] but the statement [illegible] was not [illegible] word for word [illegible] and [illegible] Sherman [illegible] Preddet [illegible] Sherman [illegible] Preddet [illegible] Sherman [illegible] Preddet

WO BURLESQUES.

Five Short Skirted Beauties ... New York.

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SATURDAY MORNING, D

DECISION IN A PAT

United States Circuit Court, DO

Friday, December 2

William E. Cottier, Joseph F. Mou
Williams, vs. Susan A. Stine
Stinson — No. 958. Act
Infringement of a p

(1) VERIFICATION OF PLEADING. S
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§ 79 of the Oregon code of civil
(3) DOUBLE PLEAS OR DEFENSES.
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(4) SPECIAL PLEAS CONSIDERED. Q
cient to allege in a special pl
patented was not marked with
without also alleging that the
otherwise as notified of the infrin
a plea that the thing patented
tion was practiced by the pate
tion of its special matter, that
not the original and first inve
defense that an invention le
specially credited.

DEADY, J.

This is an act on "on the case
plaintiff, under § 4919 of the
damages from the defendants
ment of a patent for an imp
vent lasting water closets, num

The defendants to plead the ge
guilty"—and give notice of t
which they expect to prove th
trial as provided in § 4920 of
lowe. That said invention w
produced by the patentee
original inventor thereof for
rains was prev ously patented
February 10, 1875; and for
ratus or system was previou
known and used, specifying si
and when and by whom it
known and used.

The answer also contains th
to the effect:

1) The plaintiff's have ne
invention with the word "Pa
with the date of the patent;
was covered by the patent by
ciency stated, produced by th
The said invention and syste
was not useful" when prod
enton or at any time.

The plaintiff's move to str
pleas for the reason they ar
provided in § 79 of the Oreg
procedure; and because the
pleaded with the general issu
phrases and frivolous."

This motion is based upon
that under § 914 of the U. S.,
this section, beyond the gener
tion allowed by § 4920 of the
erned by the local law. Sai
5 of the act of June 1,
1972, provides that
pleadings and forms
of proceeding in civil causes
and admiralty causes, in the
ric courts, shall conform, as
to the practice, pleadings and
of proceeding, existing at
causes" in the courts of the st

In Nudd v. Burrows, 91
held by the supreme court th
did not apply to "the person
judge in the discharge of h
cious;" but in delivering th
con , Mr. Justice Sa
the purpose of the
to bring about uni
law of procedure in the feder
of the same locality," which
cordant by reason of the dadd
in many of the latter, while
pleadings, forms and position
in the former. To the same
apolis, etc., Ry. Co. v. Hows

To give the enactment full
to this suggestion, it would
of the patent act of July
267-8; §4919-20 of the U. S.
action for infringement to be
defense thereto to be ma
"not guilty;" and notice o
the provision must be furth
affecting other provisions in
gross concerning procedur
courts. And this is the b
far as such provisions have
the rev sed statutes and re-e
along with as d §6 of the act
the R. S.] They are now o
construed together as substa

But still it is manifest that
by the enactment of 1872,
uniformity in the procedure
state court was as near as may

But this uniformity may
is otherwise provided by an
where, as was said in Ind
Co v. Horst, supra, 304, a
provision" in the state stat
the judges of the national
"would unwisely encumber
of the law, and tend to defeat
in their tribunals."

Allowing thus that the def
"on the case," which is esse
action under the code, no
issue and give notice of t
ought not his plea to be ve
the local law? The law of
upon the pleader, and there
lex, a law requiring the verifi
ing by the oath of the party
either to "unwisely encumbe
tion of the law" or "to defe
ties," but the contrary.

The verification of ple
the contention between l
roned to the minimum,
promotes the ends of justic
the parties to limit their co
matters as they can respe
dors on oath. I think the
it, is within the purview of t
and that therefore the plea
ought to be verified—not pe
which dr are in addition to th
lowed by § 4920, supra, but

The right to plead the gen
notice of the special matters
ity of the patent, instead pr
cially, is a privilege of whic
avail himself at his option. H
fact or matter specially
other notice of it. Evans
503.

But the five matters which
in evidence under the gene
only defenses to an action
Walker in his late work c
enumerates 27 of them. T
are based upon a fact of w
take judicial notice, as that
by the patentee is not patentl
tion, may be the subject
and with the exception of
five above referred to, whet
ed, both at common law an
Oregon: Wilder v. Gay
Curt. on Pat., §§ 387-8, M
Code C. v. Pro., § 72.

The objection that the
wrongly pleaded with the
well taken, either at comm
code.

At common law the defe
with the general issue and
not require a different mod
cluded to the country —exc
and this was excepted from
was an admission
notice. Gould's Plead.,
And under the code,
besides controverting the
complaint by denying the
states and effect the gen
many defenses as he may
sets them separately; and
special plea. Code of Civ

My conclusion is, that the
action for infringement, b
and defendant, except as
provided by the act of con
by and must conform to th

The special pleas not b
quired by that law, they ma
out is allowed. Code Civ.
had included the general
been allowed as to that a
cision renders it unnecessa
entire pleas are frivolous a

The first one, which is
the patent act of 1836
R. S.] does not allege
fendant was not
infringement otherwise tha
cent," being affixed to
The second one appears to
of the second matter, of wh
given under the general
of the was not the origina
of the thing patented. T
for striking it out. Read
But the third and fourth
good defence, which is eq
Walk Pat., §448.

C. P. Heath, for the pla
D. P. Kennedy, for the

Sunday Oregonian.

SUNDAY MORNING, DECEMBER 30, 1883.

CHURCH HOSPITALITY.

This was the subject of an interesting question before the Unitarian club in Boston a few evenings ago. The discussion was opened by Rev. Robert Collyer, who said that while the church must have for its success all working the splendid temple and the eloquent tongue, it must have these for the sake of the people, and not for its own sake. "There must be no founding of kitchen churches for kitchen people. In maintaining a church we must keep open house where everyone who is willing to come may come, may sit down at the table and be welcome, and go forth with God's blessing, whether he pays anything toward the cost or not. We must never draw the slightest distinction between those who will give us nothing, and those who are willing to give much more than we deserve. There must be no limit or purpose to keep the blue blood and the red blood as far apart as possible. We must ask the gas favored in fortune to come to the church and ask them into our pews, and if they get into the pews before we do and crowd us out, that must be made an objection."

Dr. Bartol followed in a characteristic speech in which he related an anecdote of Father Taylor of the Seaman's Bethel in Boston, the man in whom Dickens was so much interested during his first visit to America. Observing one Sunday that all the pews were full and some in the aisles and no seats, he invited those to come into the pulpit and take seats there, saying, "My pulpit has no door." So, said the speaker, it should be with our pews. "The essence of Christianity is hospitality; hospitality of spirit, hospitality to thought, hospitality to truth. An inhospitable church is not and cannot be Christian." Among the other speakers was Judge Hoar, who gave the experience of the Unitarian church in Concord in respect to hospitality. The aim, he said, to have it understood that this old church, which was founded when the town was founded, and which, down to a modern date, was maintained by the town by appropriation, as the highways and schools were, is still the church to which all the people in the town who have not other church relations may claim to be identified, or affiliated with. It recognizes all such, and extends invitation to them. Those old churches of New England took no cognizance of church hospitality. It was all the other way; they would not let a fellow off if he wished. If he did not come to church, they would send a constable or some officer to compel him.

These remarks are all very interesting, very true and suggestive. But at the same time there are irrepressible tendencies in social life which the truest and most liberal Christian hospitality cannot overcome, nor widely ignore. In the play of social motivities there are attractions and repulsions which are spontaneous and innocent, and as irrepressible as gravitation. It is impossible for Wordsworth's character to like "Doctor Fell," though the reason why he "cannot tell," This was recognized by Emerson when he said: "Put any company of people together with freedom for conversation, and a rapid self-distribution takes place, into sets and pairs. The best are accused of exclusiveness. It would be more true to say, they separate as oil from water, as children from old people, without love or hatred in the matter, each seeking his like; and any interference with the affinities would produce constraint and suffocation. Assort your party, or invite mean. Put Stubbs and Coleridge, Quintilian and Aunt Miriam into pairs, and you make them all wretched. 'Tis an extempore sing Sing built in a parlor. Leave them to seek their own mates and they will be as merry as sparrows."

These spontaneous attractions are not extinguished by religion. Jesus had his favorites. In the little company of the chosen twelve there was one who was distinguished as "the disciple whom Jesus loved" and the distinction into "sets and pairs" shows that they had preferences among themselves. Church hospitality must recognize these affinities, otherwise there will be "restraint and suffocation." It is unwise, for example, to force colored people into white churches or white people into colored churches. A church is not a club. If it were, a large number of people could find no home in it, for there are many persons who are not "clubable." The churches must be friendly and charitable and keep their pews open. But the spontaneous action of hidden and, perhaps, unconscious social forces cannot be excluded from them by the most hospitable spirit. "An exemplary Sing Sing built in a church defeats itself. The important thing—and this is all that hospitality requires—is to remove the distinctions of caste on the one hand, and compulsory association on the other, and leave the atoms of Christian society free to mingle or separate under the crystallizing forces of elective affinity and Christian love. And this may be done without any intention of deciding or even implying which is Stubbs and which is Coleridge, which Quintilian and which Aunt Miriam, or pretending to claim that Coleridge is better than Stubbs, or that we love Quintilian more than Aunt Miriam. Some will prefer one and some the other. "Leave them to seek their own mates and they will be as merry as sparrows."

Mr. Matthew Arnold has deeply offended the "culture" of Boston. He is an Englishman, and when it was announced that he was coming to America to lecture, every true Bostonian, as in duty bound, commenced to save up his pennies for the show. Now, there were a good many different ideas current as to who Mr. Arnold really was; some thought he was the inventor of Arnold's ink, others had an idea that he was a grandson or something of Benedict Arnold, but only in culture Boston was it really known that Mr. Arnold was a philosopher and a metaphysician, who could understand Emerson. So to Boston Mr. Arnold went to delight the Bostonians and feast upon baked beans. But, alas for Mr. Arnold! Whether it was the unwonted stimulus of the beans or what not, we are unable to say; but when he mounted the platform, instead of chatting the praises of Emerson as was expected of him, he deliberately proceeded to show that Emerson was not much of a philosopher after all. Of course this could not be endured, and Mr. Arnold is in disgrace. However all this may be, we think Mr. Arnold's criticism about right—whether his words apply to the Concord sage's poetry, style or philosophy. Emerson, like Carlyle, deals in assertions and dislikes logical conviction or system. A string of epigrams or assertions, half or wholly obscure, is not a philosophy. So little sympathy had Emerson with scientific or systematic thought that he called Herbert Spencer a fair back writer. I has always been considered the proper thing to affect a love of Emerson and Mr. Arnold has done a service in lowering an idol.

In the letters of Huntington to Collier just published—J. H. Mitchell turns up as one of the corrupt and corrupted men in the statement. Just as might have been expected. Wherever there was a chance to extort money and serve corporations this corrupt scoundrel was a ways on hand. We shall publish extracts from the Huntington letters to-morrow.

THE SIN OF SILENCE.

It is a singular fact that while the bulks of experienced people discover that the most earnest expression of merely personal feeling often fails to excite sympathy, there are certain individuals who demand sympathy for feelings they refuse to express. They expect a tone to be admired for concealing their wrongs and pitied for having them. A person of this kind has left her story in an article copied by the Woman's *Journal* from Dio Lewis's *Monthly*. Her husband was in good circumstances, but she could not get a dollar for personal expenses without explaining, urging, begging." One day, after a New Year's company, she thought the moment auspicious and mentioned to him that she needed a warm dress. He was silent for some moments and then said: "Why, my dear, I thought you were the best dressed woman among them. Don't you think, dearest, it is so high thing to go on adding dress after dress, when your closet is so full that you can hardly get into it? If you will take my advice, I should say, wear out some of the dresses you already have before getting more." Upon this, she says, "not another word was spoken by either of us. I did not choose to tell him that for dress I had worn that evening was my only handsome one, and that my only warm woolen dress was worn out. I could not sleep, and before morning, resolved one what might, I recalled her bonnaan. That vow I have kept. During two years I have had no addition to my wardrobe. Not one word has passed between my husband and self on the subject."

The reader is, of course, expected to sympathize with this unhappy wife who "chooses" to suffer until she "comes near hating my husband" rather than perform her duty to desire of him. John was evidently quite mistaken about the contents of that crowded closet and his first and most pressing need was information. If this had been given to him, without forbearance, he would probably have seen the matter in the same light as his wife. But if he did not, if he was really a mean wretch who was indifferent to her embarrassments and regardless of her rights he should have been punished, not by senseless and cowardly sulking about he knew not what, but by the courageous expression of candid and dignified indignation. Silence may never yet redress a wrong, but a long and voluntary sing the language of just reproach, carries conviction to the most torpid consciousness.

Mrs. Carlyle's woes and weariness during her forty years servitude to the Sage of Chelsea have been so vividly depicted in her correspondence as to excite the commiseration of the reading world. But, to our thinking, she had no more right to submit to imposition than Carlyle had the right to practise it. When after her death, he bitterly deported himself through keenness and cruelty toward her he could not say, in partial self-defense, that he had no conception how weak she was and how she suffered. "Atheneum," by we ken, "nothing unpleasant was ever heard from her." But it was for this very reason that it was much that was unpleasant was heard from him. His wife, who had more will than wisdom, more skill and industry than self-command or courage, more loving generosity than she had justice, declined the stern duty of correcting his faults and the latter accordingly grew on him to forever deepening misery of both. If one had had the nerve to refuse the task of reading his dirty old books, one had let him starve and freeze in his garret rather than run from the third story to the basement kitchen while the mutton cooked, the first and second floors, in a short, she had resisted imposition and delivered herself from evil she would never have done if her life had been "fiddle-de-dee" and he would have ceased to be such a brute.

Women are oftener guilty than men of this error of being silent in the wrong place. Sometimes they are afraid they may say too much, and sometimes they are afraid to say anything, but often when they are not afraid at all, they submit without protest to an accusation in order to enjoy the peculiar pleasure of martyrdom. It does not seem to occur to them that silence where speech can do good is as grave a sin as talking where it can do harm.

One of the worst results of mid-Victorian science is the timid meek speech which is certain to follow it. The loud anger which should have been discharged at the right time gathers explosiveness under pressure until, at last, it breaks forth in a fit of childish rage over nothing or sizzles along through whole days of fretful ness. Nothing so spoils the temper and limits the power of usefulness as nursing a grievance. It is the strong souls who refuse to submit to evil that are the cheerful ones who go about doing good.

Since writing the above the January number of the North American *Review* has come under our eye where, in an article about the Carlyles, Gail Hamilton in her peculiarly bright and forcible way confirms the views we have been expressing. "Mrs. Carlyle," she says, "injured her husband. Her self-surrender married to him the violence, the unreason, the arrogance, the injustice, the insensibility, which should have been annihilated. There is no sign that a single fault of his grew less under her tutelage. If, instead of suffering at him timid and saturizing afterward, she had at the beginning quietly, resolutely, immovably resisted his will, gently instructed him in the rudiments of manly behavior to woman, and so developed the germ of love which unquestionably lay sleeping in his bosom, it would have been as much better for his character as for her happiness."

The *Standard* thinks that the provision in the act to admit Washington territory into the Union, introduced by Senator Dolph, "that such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color; except as to Indians not taxed," did not be repugnant to the constitution of the United States and the principles of the declaration of independence" leaves it an open question whether Chinese under this clause would not be entitled to vote." We think not. No person can have the right of suffrage in any state except citizens are born or naturalized in the United States, and are subject to its jurisdiction. The law of congress approved May 6, 1882, provides that "no state court or court of the United States shall admit Chinese to citizenship." As the Chinese under our laws cannot be naturalized, they cannot become citizens, and, consequently, cannot be entitled to vote.

It is steadily objected to the right to license a man that license to sell liquors "makes the state a partner in an infamous traffic," and that the amount of the license fee cuts no figure in the case. But license to sell is prohibition, with certain exceptions, and the policy is dictated by practical experience. The next step was taken when the amount of the license fee was raised, and as right comes promises to restrict still further, it approaches more nearly to prohibition. High license, in its historical succession, is not strictly a license to sell, but prohibition with certain exceptions, and the higher the license there are the exceptions.

Chicago was originally Fort Dearborn—named from General Dearborn of the United States army. The first was established eighty years ago. The anniversary—December 19—was noted by all the Chicago papers.

SAN FRANCISCO'S TRADE.

On the office of the Northern Pacific upon the trade of San Francisco, the Salt Lake *Tribune* presents some judicious remarks. It requires, it says, no more to run a train from Chicago to Portland than from Chicago to San Francisco, and the bulk of all the goods sent from San Francisco north in the past came first from the east. But while this is so, there is no occasion for San Francisco to complain. The trade of 300,000 people has been taken from her, but she has an empire which no combination can invade, if her people are but true to themselves. The great trouble is not that Washington and Oregon have been taken from her, but she has made no effort to make good the loss in her own legitimate territory. She has done nothing to build roads to strategic business points; nothing to push and utilize the waters of her rivers, to make it possible for farmers to work in her valleys where only one works now. Never has society in the United States grown to its proportions that San Francisco has attained to with so little effort on the part of its own people. The mines yielded the gold and had turned over their supplies to San Francisco. In this way she has kept California, Nevada, Idaho, Washington, Oregon and Arizona working for her. In this style she has grown to industrial proportions which no statesman and few have dreamed especially ambitious. But California alone has almost as many square miles as France; has quite as good natural facilities for building up an empire; has quite as much variety in soil and climate, and has no mines beside. More, unlike France, except in the extreme south-west corner, the state has no seaport with a safe harbor except San Francisco. A very populated and never complain. But to all that she has San Francisco has made no mark which looks like drawing trade to herself. Here and there one of her merchants owns a farm, more and there a few of her rich men have invested in mines, and in county scrip. But no roads have been built, no manufactures worth the name established, no improved agriculture has been inaugurated. Hence, the trade of San Francisco is ashes, though before her gaze Oriental gold and flour, for 600 miles either way, there is no other harbor, and behind her is an empire to be subdued and made tributary to her. Before she complaining, she should ask herself what, during the past thirty years she has done to earn a tribute.

Governor Moody has not yet appointed Judge Strahan's successor. It is understood that he has it under advisement.

Nast's Cartoons Suppressed.

New York letter: Nast is in his element. The true inwardness of his rupture with Harper's Weekly has never come to the light, but certain it is that the world's greatest caricaturist finds no place for his heroic pencilings in the pages made famous. He is contract with the Harpers is for $20,000 a year for life, and he draws $5,000 every quarter punctually, whether he works or not. Bill Nye, who is a friend of Nast, says that he sends his children to Harpers' prize poultry every Monday afternoon, and they are promptly put in coops. [press.

One of the papers will not be left, we will they give up their contract, and since Artist Nast is in a quarrelsome mood, it is now said, secretary of the Main Elevator Car Company, with an office on Cortlandt street, near Broadway. He finds any fun in him and always pays fast. Pitney, don't you think a man with $10,000 a year's life should be comfortable. If you can be find the cattle, and it lowed in Carl Hart wing, they what I say, be comfortable.

MARRIED.

In this city, on Thursday, Dec. 27, by the Rev. D. O. Cooledge, Mr. H. [illegible] and Mrs. [illegible], both of this city.

FUNERAL NOTICE.

[illegible]

FUNERAL NOTICE.

[illegible]

DIED.

At his residence, No. [illegible] Willard Day, aged [illegible] years.

NEW TO-DAY.

Just the Place He Was Looking For!

Where Everything is

NEAT AND CLEAN!

POLITE AND ATTENTIVE WAITERS

Only the Best of Everything Used, and the Cooking Exceptionally Fine.

AT PRICES TO SUIT EVERYBODY.

BROWN'S

POPULAR RESTAURANT,

89 AND 35 FINE STREET, ROBIE BLOCK.

U. S. M. S.

NOTICE TO SHIPPERS.

Steamer "Idaho"

WILL LEAVE FOR

ALASKA AND WAY POINTS

ON

Thursday Morning, Jan. 3, 1884.

FREIGHT WILL BE RECEIVED AT ALMS-worth dock up to 5 P. M. Wednesday, Jan. 2.

A. L. STOKES, Asst. Supt. Trans.

AMUSEMENTS.

NEW MARKET THEATRE.

F. V. STRICKLAND, MANAGER.

Fresh off with great success of the great Chicago home. The greatest of popular favorites

MISS KATIE PUTNAM,

Supported by her excellent Company.

J. H. PERRY ..... MANAGER
J. A. LEWIS ..... BUSINESS AGENT.

Monday, Dec. 31, matinee and night.

CHILD OF THE REGIMENT

AND

LITTLE REBEL.

Miss Putnam in Both Plays.

New Year's Night

THE LITTLE DETECTIVE.

Miss Putnam in Five Characters.

Grand New Year's Matinee. RANCHON.

Wednesday Jan. 2. PEARL OF SAVOY.

Admission as usual. Reserved seats at Cornelius' Music store.

SEALED PROPOSALS.

SEALED PROPOSALS WILL BE RECEIVED by the undersigned, Commissioners of Multnomah County, for the erection of a building to be used for House Keeping to cost not exceeding [illegible] Plans and specifications can be seen at the office of Fire Commissioners, in the City Hall. The Board of Fire Commissioners reserve the right to reject any or all bids. By order Board Fire Commissioners.

W. LAURENCE & SHERIFF, Secretary.

WANTED—EMPLOYMENT.

WANTED—SITUATION TO DO GENERAL housework. Knows German and can cook. Is a German lady, just arrived. Inquire at room 9 North Front st.

Pott's Block, Ellicott Block.

$2500 TO LEASE HOUSE FOR THE WHOLE PLATTS AGENCY.

$600 TO LEASE HOUSE, 10 ROOMS; 2 BLOCKS from Postoffice. PLATTS AGENCY.

NEW TO-DAY.

CHRISTMAS SLIPPERS OF THE LATEST DESIGNS [illegible] just suited, for prices [illegible] to suit the poorest purses. Will [illegible] 49 Front street, Portland, Or.

RESTAURANTS, HOTELS AND PRIVATE families can find fresh imported Swiss, Vienna, French pastry, Bremen Germany, Cox, Indian Corn bread, and all kinds of pastries. 86 Front st. MRS. M. BAUER.

NICE ROOMS FOR GENTLEMEN IN DR. [illegible] house, 71 Fourth, corner Oak, by the week or month.

GRAND MASQUERADE BALL AT WASHINGTON Hall, Dec. 31, New Year's eve. Prizes for best [illegible] and gentlemen characters. Supper and [illegible] Admission 50c.

SALOON OR CIGAR STAND FOR SALE—A first-class saloon or cigar stand in good trade for [illegible] Apply to [illegible]

FOR RENT—FURNISHED COTTAGE, FIVE rooms, complete, [illegible] Inquire Dr. E. NOAH, 286 First, cor. Ankeny.

A NORTH PACIFIC GENTLEMEN'S FURNISHING house is now ready for business. Shipwright, mule hands, etc. Inquire 70 Front st. ASTORIA, OR.

WANTED—A FIRST-CLASS MAN TO TAKE charge of a factory for wholesale cigar; [illegible] to [illegible] Address, with reference, P. O. BOX 459, Portland, Or.

FOR RENT—NICELY FURNISHED SUITE OF rooms, [illegible] Apply at 106 Second street, between Pine and Oak.

FOR RENT—FURNISHED ROOM FOR GENTLEMAN, 25 Ninth street.

WANTED—GOOD AND EXPERIENCED HANDS on [illegible] Apply at 106 Second street, between Pine and Oak.

A GOOD MAN AND WIFE TO UNDERTAKE DISHES at a restaurant; [illegible] Address [illegible]

A SMART BOY WANTED IN DRUG STORE. Address, with reference, [illegible]

WANTED—A GOOD SHOEMAKER TO WORK in second floor; [illegible] Call at 106 Second street, between Pine and Oak.

BRAND BOY WANTED AT P. S. BELL & Co.'s.

MANUFACTURERS OF CIGARS WISHING TO [illegible] Address [illegible]

$2000 PARTNER WANTED—A NEW and well established business, which will pay a [illegible] Call at office.

$500 FOR SALE OR TRADE—A FIRST-class [illegible] Call at 106 Second street, between Pine and Oak.

$500 PARTNER WANTED IN A FIRST-class [illegible] Address [illegible]

FOR SALE—A FEW CHOICE TONS RED TOP and Timothy Hay. Apply to [illegible]

RARE CHANCE—FRENCH AND GERMAN [illegible] Call at 106 Second street, between Pine and Oak.

WANTED—A GOOD BOY TO LEARN THE [illegible] Apply at 106 Second street, between Pine and Oak.

FOR SALE—A FEW DOZEN [illegible] Apply at 106 Second street, between Pine and Oak.

FOR SALE—A FEW DOZEN [illegible] Apply at 106 Second street, between Pine and Oak.

WANTED—A GOOD GIRL FOR GENERAL housework. Must [illegible] Apply at 106 Second street, between Pine and Oak.

TO LET—ROOMS AND STORES.

TO RENT—FURNISHED ROOMS, SUITABLE for gentlemen. Inquire at No. 248 Eighth corner Columbia street.

TO RENT—FURNISHED ROOMS, SUITABLE for gentlemen. Inquire at No. 248 Eighth corner Columbia street.

FOR RENT—WARM FURNISHED ROOMS, with board, at 106 Second street, between Pine and Oak.

$2500 TO LEASE HOUSE, 10 ROOMS; 2 BLOCKS from Postoffice. PLATTS AGENCY.

CASH PAID FOR [illegible] IN THIS OFFICE.

FOR SALE—A PIANO CONTAINING NINE [illegible] Address 40 [illegible] Portland Pavilion Rink, [illegible] Tilton's Block, also [illegible] about 12 [illegible] Apply at 106 Second street, between Pine and Oak.

FOR RENT—FURNISHED ROOMS, SUITABLE for gentlemen. Inquire at No. 248 Eighth corner Columbia street

THE

PREMISES OVER

sensation through-
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How A. Roberts can
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LINE OF GOODS
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In elegance and variety,
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Great Bargain Sale with

BERTS,
r, Hatter & Tailor,
D ALDER STS

Oregonian.

MORNING, DECEMBER 30, 1882

Entered at Portland, Or., as second class matter

SUBSCRIPTION RATES
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Daily Oregonian, per month	$ 1 00
Daily Oregonian, per quarter	2 50
Daily Oregonian, per year	10 00
Weekly, per year	2 00
Daily Oregonian, per year, including postage	12 00
Sunday, per year	2 50
Sunday and Weekly	3 00
Delivered Sunday excepted	25c
Delivered Sunday included	50c

METEOROLOGICAL REPORT

PORTLAND Dec 29 7:57 P M

Station	Bar Height	Ther	Direction	Wind Velocity	Rain fall	State of Weather
Walla Walla	30	38	N	03	0 00	Cloudy
Umatilla	30	36	N	00	0 00	Clear
The Dalles	30	40	E	04	0 00	Clear
Lewiston	30	41	N	00	0 00	Clear
Boise City	30	45	N	00	0 00	Clear
Baker City	30	46	SE	00	0 00	Foggy

Mean barometer 30 3

MURRAY OREGONIAN.

Can be found at the following places

Corner Ankeny, Fifth and Morrison
Corner Morrison and Second
Corner Morrison and First
Corner Alder and Washington
Corner Washington and First
Corner Morrison and First street
Corner Alder and Second
Corner First and Oak
Corner First and Ash
Corner Alder, Second and Third
Corner First and Salmon
Corner Oak and First
Corner Morrison and First street
Corner Alder and Second
Corner First and Alder
Corner Second and Yamhill
Corner Yamhill and First
Corner First and Yamhill
Corner First and Oak
Corner Second and Washington
Corner Second and Taylor
Corner First and Oak
Corner Fourth and Washington
Corner Fourth and Taylor
Corner Fourth and Morrison
Corner Fourth and Alder
Corner Fourth and Yamhill
Corner Fourth and Taylor
Corner Fourth and Oak
Corner Fourth and Washington
Corner Fourth and Stark

Sunday Gre

GRAND MORNING DEC

THE FAIR RACE

Governor Seymour's condition

Too Emmett's body safe in a

Mrs. Randall's new organ

An Indiana woman lost her

Governor Seymour's condition

Elizabeth Wheeler the

The engagement of Judge

To show people that

Mary A Woman who

A Nebraska man has been

A lady's boudoir or a

An exchange says "A

The Baroness Burdett-Coutts

The female bare ballooning

Queen Victoria now takes

Mrs William Wallace, who

Will I tell you how

Mrs Maine Booth a colored

Fannie E Merritt we

Mrs. C. B. Ellsworth, the

C. B. FETTY, SEAL ENGRAVER

MANHOOD RESTORED.

STRUT

STANDARD

EVERYONE'S FRIEND

SEEDS!

C. H. BACON

Cumberland, Lehigh, Quality

COAL, CHARCOAL

FATE BANKS

GRAIN AND STORE

Write for

SCHOOL

ON THE

ICE.

Newspaper Archive®

...ERIOT [illegible]

...Sisters, Our Cousins [illegible]
Our Aunts."

...DAUGHTERS OF [illegible]

...ened to the 10 o'clock car
...at the [illegible]
...Thackeray.

...poetry sister to St Louis has
...ecent

...Newspaper [illegible] an has just
...ith birthday

...ent on the wife of 75 years
...ersary with paralysis
...ewife [illegible] ay night in accordance
...the ancient [illegible] rd to society
...and Mrs. Dubois entertaining
...ch were present the same day
...mans host her speech for a month
...he family gain of fifteen pounds

...ter the Dunmore post in of the
...ll steadily a week a week and
...ut [illegible] ngressman Perry Belmont
...and [illegible] ed term stated by

...r that she could get in through
...Lizabeth Stuart Phelps has
...the Gates

...other a young fellow whose girl
...the letters in justification be-
...ed man 9 years two cents for him
...[illegible] a wife engagement pre-
...ceding [illegible] the very hearts of
...ed a little ten h and then raises

...an had [illegible] d a lunatic
...ar feet [illegible] ns wife into the
...ouse and expelled her to
...sky. A dozen women ride
...n horse ride a few days ago
...ha [illegible] s a requirement must be
...ide

...Burdett Coutts now figures as
...f the great Yarmouth fishing
...be built no less than 80 smacks
...ment

...ver good enough to eat, says
...Lent must be careful though,
...ore you begin your meal to see
...away her gown

...ther is daughter of an Senator
...ll Grant can handle a shot-
...race of aim that exceeds that
...ious sportsmen

...d monument recently erected
...Betty Bonaparte at a Balti-
...ers are the inscription "After
...ther she rests well

...ghalian of race Mongolian at
...in Lafayette, has been on
...ness streets in that city on account
...otball to a white girl

...of Rockaway N. J., was to be
...k to the lady of his choice but
...n he betrayed has he him ar-
...ards must be balled in

...e fo man to be alone was
...s with which a committee of
...the Methodist church a-
...The preacher is a bachelor
...o ball ensue lost money in St.
...ll stead. It takes some bun
...f than female ball players to
...o rooms which the St Louis

...in new takes long walks into-
...ld stand to be much better than
...She has dismissed her maid
...ark of spirits. She has
...ral a month longer

...girl is on hunting a trenche...
...suitor a young man who was a
...yesday. She had torn reason
...ld reserve her feelings enough to
...to go [illegible] he didn't now

...ind her laughter Miss Mary
...tten with the president from
...g Christmas holidays was an
...a reception and are expecting
...White House during the win

...Anne says there any mes-
...We should say that there is
...we must with an appeal
...as [illegible] a mastery on typewhe...
...cam by naturally of one sh...

...time of year when the gentle
...the walks to gather autumn
...r not time to awaken the nest
...o in the land which sent
...hey nose vie with the autumnal
...ow

...queen of the Netherlands intends
...o Englar d in April They will
...ns of the cabinet duchess of
...I suppose sister but will occupy
...s been taken for them between
...Hampton court

...who was married three
...asked how she was getting
...r [illegible] ractices of housekeeping
...r were fast Why would you
...xclaim d I humanity's woe
...ix hours yesterday "—Albany

...Wallace, who lives at Cedar
...arie county New York remem-
...ral Washington paddled her ca-
...a silvery age The Father
...e [illegible] n stepped at the Schuyler-
...oble hill Mrs Wallace is 104

Schaller's
COUGH
SYRUP.

...ar ous afflictions of the
...Throat, such as Colds,
...oup, Asthma, Influenza,
...Bronchitis and Incipient
...on, and for the relief of
...e Patients in advanced
...e Disease
...all Druggists Sole Agents, P...
...Portland, Oregon

AIRBANKS'

TANDARD,
EHOUSE AND FARM VEH...
AND STORE TRUCKS
Price List
...R PARKER, Agent...
...orth Front St., Portland...

H. BACON,
...po ter and Dealer in
Lehigh, Cannel & Domes...
CHARCOAL
FOUNDRY COKE
...and N sts.
...t., bet. Fourth and Fifth
...Portland, Or.

No Tess
TIMOTHY SEED
...prepared to fill all orders
...discount to the Trade.
...Miller street, Portland.

D G & FARRELL
...d Miller street, Portland.

...BROTHERS,
...Manufacturers of
...D WOODEN WARE, AND
...OF WILLOW WARE
...and 14 North Front St.

Sunday Oregonian.

THE MORNING DECEMBER 30 1883

THE REMORSEFUL CAKES

...ughter jammed Thomas ate
...ry rash proceeding as
...he speedily shall see

...e rose to bed at 8 o'clock
...ll of good children d
...ll, save but of the little one as
...ther knew not restless grew

...he stepped on this side, then on that,
...Now bolted up on his head
...Now bolted all at once each spot
...and seemed all at once each spot
...This was trundle bed

...he dreamt a great big lion came
...He growled and raved and roared—
...and tipped at his breast two furious bully
...Right in his mortal combat gored

...he dreamt he heard the flap of wings
...Within the chimney flue—
...And down there crawled I guess it was
...An awful bogaboo

...She choked as next morn his face
...Full colored as when—
...Expect more he firmly set
...Full colored a whipper cat

—Eugene Field in Chicago News.

A FENIAN NIGHT ATTACH.

...Sixteen years ago the condition
...land was very like what it is to
...The leading streets of Dublin, as
...ere busy thoroughfares, showed
...gns of life, while the side streets
...almost deserted The people one
...met about their business in a fear
...fully hearted manner. A painful
...and disgrust pervaded all classes of
...society The political atmosphere
...disturbed by fears of coming trou-
...and nearly every edition of the
...contained reports o Fenian out
...raids for arms, midnight drills
...and very often midnight murders
...at the hands of which I write I was
...on a few months' visit with an
...college friend Henry Blake, at his
...ancestral place in Clara Vale, county
...Dublin. Mr Blake was a fine specimen
...of the old Irish gentleman—digni-
...fied courteous and hospitable His ven-
...erable appearance and kindly open
...manner charmed with a feeling akin to rev-
...erence all who came in contact with him
...and the bulk of his glass, he meddled
...little with politics, and could boast
...of his country enjoyed as much secur-
...ity and more comforts than any govern-
...ment could confer Mrs Blake
...had departed retiring, but very affabl...
...and [illegible] naturedShe had but little or
...no family about her, and I who al-
...ways detested reneti lovel her kind ty
...Grace Blake, their only
...daughter, was about seventeen, two
...years younger than Harry, and certainly
...one of the most beautiful specimen of man on
...I had ever seen For some years
...previously I had indulged over much
...in disquisitions of society, and Clara
...Blake was to me a quiet haven of
...rest where the storms of the outer world
...could no echo
...Both fortnight after my arrival in
...Clara I was chatting one morning with
...Grace in his study. Through the
...window which command a full
...view of the avenue down to the main
...road I noticed a slouching fellow ap-
...proaching of the small armed class and
...to the house Mr Blake also saw
...and remarked to me "I have sent
...a man on business and to our
...absolute Irish character, I am
...endeavoring the interview but I am
...sorry to say this fellow is a very bad
...specimen of the Irishmen for I have
...the same specimen on the worst hab-
...itues" He was admitted and
...on making a marked sort of a bow, introduced
...himself with "God save your
...honor" I inspected the man closely
...as he stood before us nervously twisting
...his old hat, or caubeen in his
...hands While I was plainly written on
...his retiring brow and low receding fore-

"I suppose, Doolin, you know why I
...have sent for you," began Mr Blake

"For shure I know yer honor till
...tell me" the fellow innocently re-
...plied to the interrogative style of
...address customary with the Irish peas-

"Well, I will tell you I have to in-
...form you that I shall be compelled to
...discharge you if you don't make some attempt
...to pay your rent I forgave you two
...years ago when you got married and
...told me you owe me two years rent since
...Christmas, and instead of trying to pay
...me in any way, you spend my money—you
...shall it your own—in gambling and
...drinking

"Never a drop I tasted since last May
...was a year Rathcrum" the fellow replied

"By you are half drunk now, man
...Doolin, you have sublet the
...farm without consulting me and I know
...you are receiving double my rent for it
...The upshot of all this is that if you
...don't mend your manners at least, of what you
...have only before this day month, I'll
...certainly send notice of ejectment to you
...Do you pay me or not?

"By divil a halfpenny, then, as ye
...plaise to call it," and the rascal a hand fum-
...bled in his overcoat pocket Mr Blake
...saw a revolver that lay on the table near him
...and remained until that moment as if he
...had lost confidence

"Doolin, I know you for a bad, bold
...man Be out of my house and off my
...lands this instant And, mark you,
...your cant-rogue, Clancy, the same
...applies to him."

The fellow now muttered
...and the room muttering threateningly
...along lane that has no turn "

"A few days of or this scene I had gone
...down to Rathdrum—a little village
...some eyed place—which although
...within miles from Clara Vale was
...nearest post town A few miles,
...Shillelagh streets, straggling across the
...broad hillside, exhibited the appear-
...ance of having suffered a recent bom-
...bardment that left nothing alive but in
...more than looking pigs and ragged, im-
...portunate beggars My business done,
...I duly turned my back on the squalor
...and misery of Rathdrum I drove into
...Shillelagh, out as the roads were dry
...and the evening clear and frosty I was
...the 30th of January—He had sent my
...horse and trap back, preferring to walk
...home I could select either of two roads,
...the main road, the other a short
...cut lead beside the beautiful river
...Derry for about a mile, when I branched
...off to the right I would up to the main three
...miles I asked a peasant I met which
...was the better way

"Well sir, he replied, the road by
...the river will cut off a couple of miles
...at least, but it is significantly, there is an ould say
...that 'the long st way round is the
...short way home

"I decided however, the short cut by the river bank I at once turned
...to the right After
...walking for about a half an hour I be-
...came to feel completely bewildered There
...was no visible path to guide me out of
...the intricacies of the wood, which grew
...denser and darker as I advanced I occasionally startled a creeping Lare or a
...roosting bird and, save the noise of
...their flight and the weird moaning of the
...breeze as it swept through the inter-
...woven branches, no sound broke the
...stillness of the closing night I still
...kept on with a sinking heart, and at
...length came to a little clearance from
...which a path diverged I followed this
...path but after devious windings and
...twistings, I again returned to the clear-
...ance This occurred three or four times
...To make my predicament worse night
...was closing around me, and an ox-began
...to fall heavily, hiding what little light
...was left Sooner than stay all night in
...the wood, I made another attempt and
...at last providence led me to a deserted
...two storied house, in which I took shel-
...ter from the snow storm I had lighted
...a cigar and was philosophizing by reviewing
...my position, when I overheard
...voices without, and looking through the
...aperture that formerly contained a win-
...dow, saw five or six armed men ap-
...proach I hastily mounted the dilapi-
...dated stairs to avoid discovery, for the
...disturbed state of the county had made
...me a little timid I thought at first the
...men were poachers, but I was soon undeceived Through a hole in the moldering
...boards I could see a few paces quite well
...all that passed below Many shed into
...the room just underneath me, and one of
...them lighted a candle which he stuck
...for support against the rough wall and
...producing a parchment began to call a
...roll This appeared to me most fortunate
...as there were very few present Two
...names were called and answered to The
...third and fourth excited my interest

"Jim Doolin!" "Here!"

"John O'Neil?" "Here!"

I strained my eyes to get a fuller view
...of the group and recognized in Jim
...Doolin the beetle browed fellow who, a
...few days before had defied Mr Blake
...O'Neil was Mr Blakes near man reared
...up from a child in the family

"No, boys said he of the parchment
...who appeared to be the leader or ten-
...der 'you know why we are met here
...to night It is for the trial of Jake the
...extermin ator, who is about turning the
...whole country side out of house and
...home to die in the ditch Has anybody
...present anything to say in his favor?

"Devil a one has anything to say for
...the tyrant, grunted Doolin

"Well and another 'I am not one to
...speak a tyrant, but we didn't let Burke
...to send him a notice first

"Kelly' replied Doolin angrily, I
...always thought you were a lukewarm
...member, and if there is a traitor to the
...cause I know where to find him'

"Jim retorted the other, I am a bet-
...ter man and a truer man than you, and
...you know it

"Well, boys, 'interposed the Centre,
...'no more words, and as it appears to be
...the verdict that only Blake must die for
...the good of Ireland, we'll draw lots to
...find out who is to do the job. We must
...also procure all his arms, for Stephens
...says every circle must provide its own
...'barkers'"

While some of the part were arranging the preliminaries of lot drawing, I
...listened ...ly interested

"You needn't mind having lots I'll
...shoot him before to-morrows sunrise

"Very well then,' said the leader
...'we'll start round the house directly at
...11 It has plenty of time as well as fire-
...arms [illegible] in another

"Ay, and a purty dance for cowards
...Doolin, quivering contemptible

It would be impossible to describe my
...feelings as I listened to the diabolical
...plot If I had covered me with my
...life I could not have moved I felt as
...if I were petrified by the horror of the
...scene and the imminent danger of the
...situation Clara Vale House was a fine
...old mansion and I felt sure that if I
...could only reach the hall door I could
...just bolt it and bar it before they could
...force an entrance Then I could fire
...from the windows and keep them at bay
...perhaps the whole family—would be
...horribly murdered And in the fierce
...heat of Doolin's cowardly hatred Mr
...Blake's soul was torn with intense
...and impotent rage To escape from
...the building I would miss the door of
...the room, when they could not help
...seeing me I waited in terrible anxiety
...Gradually during the [illegible] I seemed
...to feel the loud beating of my poor heart
...would resound my whereabouts Atone
...time I had almost made up my mind to
...steal down the rickety stairs and make a
...rush for the door 'but then I
...thought, 'even if I escaped I
...could never get out of this infernal
...wood I prayed to God for help and
...help came They began drinking copious draughts of whisky out of a stone
...jar and soon became noisy and almost
...tipsy Under cover of a rather uproarious one no. I gently stole down the
...creaky stairs—how they did creak—and
...glancing unseen I past the door of the room
...in which the conspirators were carousing
...and rushed out into the open air To
...minutes hard running luckily brought
...me to the high road and half an hour
...after I was under the roof of Clara Vale
...House It was then about half past 11
...o'clock and the ladies had retired for the
...night Mr Blake and Harry were seated
...in the parlor, anxiously awaiting my ar-
...rival I hurriedly related all that had
...happened me and counseled immediate
...preparation without unduly alarming
...the ladies It was necessary, however,
...that they should be told the true state of
...affairs, which Mr Blake at once did,
...things, which Mr Blake at once did,
...making very little of the matter to quiet
...their fears He recommended them to
...lock themselves in one of the bedrooms,
...but to this Grace stoutly objected say-
...ing she would take her stand for good or
...ill with the garrison Brave little
...heroine, how my heart warmed to her
...when I heard her heroic resolve! We
...felt great difficulty a quieting the fears
...of the female domestics who would per-
...sist in screaming, despite our warnings
...that our safety mainly depended on their
...keeping calm and collected It was
...significant that except the old
...butler and the postboy—a mere
...lad—not a single male domestic
...could be found about the house on
...this particular night Later in the
...day brought Dog Bier and the news
...was now precious Mr Blake hastily
...penned a despatch to the nearest
...post town on horseback to the nearest
...constabulary station, ordering a force to
...be sent to his relief at once The boy
...had hardly reached the high road when
...he saw a body of men approach the
...house from the opposite direction I
...was glad they did not interrupt our mes-
...senger We barricaded the hall
...door and back door which we could
...cover our weakest points by placing the
...tenants in the windows was here necessary
...high to afford easy firing Our arms
...consisted of four fowling pieces, all old
...muzzle loaders, and armed with five
...of these, Harry guard the front entrance
...while Blake and I will Grace for a re-
...serve Blake and I agreed to divide
...the night attack into watches of
...two hours yesterday "—Albany

An Old Fashioned Candy Pull

The young people assembled early in the evening in full and town [illegible] the
...appointed for the [illegible] to form themselves for the labor that is to come
...There is no lack of chatter with all
...the girls present as they busy themselves in
...tying on large aprons to protect their
...clothes from the sticky mixture
...Then the butter is carefully melted in
...a large pan and the sugar and molasses
...are put in to boil Some of the girls
...stand by the stove to watch the candy
...and stir it occasionally with a wooden
...spoon, while others are busy buttering
...their hands and arranging the cooling
...pans Soon the candy is pronounced
...done enough, and is poured into the
...pans, and the fun begins Each girl
...takes a portion of the candy in her
...buttered hands and begins to pull it
...Then the boys come in and help pull
...the candy, and the fun grows fast and
...furious Laughing, talking and
...singing are heard on every side, and
...the candy is pulled and twisted into
...all sorts of shapes, from a simple
...twist to the most complicated knot
...Then it is carefully pulled into
...slender rods, upon the table
...and cut into short lengths with
...a pair of scissors Cooling in the
...pans it is ready for the mouth
...and all the bits of plates filled with
...the crisp bits The candy pulling
...wash their hands, rinse their mouths
...and [illegible] and return to
...the parlor or sitting room, where they
...[illegible] by a bright fire and
...[illegible] with [illegible]
...[illegible] and [illegible]
...[illegible] Then the [illegible]
...[illegible] Then [illegible]
...[illegible] Then [illegible]
...[illegible] Then

The Daily O...
SATURDAY MORNING ... DECEMBER

DECISION IN A P...

United States Circuit Court.

Friday, December

William T. Cottier, Joseph F. M... Williams, vs. Susan A. Sti... Stimson — No. 958. ... Infringement of ...

(1) VERIFICATION OF PLEADING... R. S. the pleadings in an ac... ment of a patent must be veri... § 70 of the Oregon code of civ...
(2) DOUBLE PLEAS ON DEMURR... law and under the code less... may be pleaded with the gen... of the allegations of the com...
(3) DEFENSES 20 and 21 OF ... The R. S. outlines which may ... upon notice under the general ... § 4920 of the R. S. as defined ... infringement of a patent may ... with the general issue, and not ... may be pleaded specially el... law of procedure in the fede... of the same locality," whic... cordant by reason of the ... in many of the latter, a ... pleading, forms and practi... in the former. To the sam... apolis, etc., Ry. Co. v. Ba...
To give the enactment its ... to this suggestion, it wou... of the patent act of duly ... 2070); 5,069 20 of the R. S. ... action for infringement to ... the defense thereto to be ... "not guilty," and notice of ... the provision must be furn... affecting other provisions ... gress concerning procedu... courts. And use but little ... fac as such provisions hav... the revised statutes and re... along with said 55 of the R... R. S.). They are now ... construed together as state...
But still it is manifest th... Revised Statutes in respect ... of 1871 uniformity in the procedu... state courts was near as imp...
But this uniformity was ... is otherwise provided by st... where, as was said in Mc... Co., 2 Howt., supra, 301: ... provision" in the state st... the judges of the nations ... "would unwisely encumbe... of the law or tend to defeat ... in their tribunals."
Allowing then that the ... "or the case," which is es... an action under the code, ... fusco and give notice of ... ought not his plea to be ... the legal law? The law o... upon the pleader and the ... Revised law requiring the ver... ing by the oath of the par... cisted to "unwisely encum... tion of the law" or "to de... tice," but the contrary.
The verification of ... the contention between ... reward to the minimum ... promote the ends of just... the parties to limit their ... as cases as they can, reg... deny be oath." I think the ... it, within the purview o... and therefore the pl... ought to be verified—not ... which are in addition to t... lowit by § 4920, supra, bu...
The right to plead the g... not one of the special matte... ing of section 4... the second is ... cially is a privilege of whi... avail himself at his option. ... fact or matter specially ... other notice of it. Eyma... 503.
But the five matters whi... in evidence under the gen... only defenses to an actio... We see in his late work ... enumerates 27 of them. T... are based upon a fact of ... take judicial notice, as the ... by the patents not paten... vention, may be the subje... anc, with the exception of ... five above referred to, inva... ol; both at common law a... Oregon. Wilder v. Gay ... Cir. Ore. 357-8; ... Code Civ. Proc., § 72.
The objection that th... wrongly pleaded with the ... well taken, still or at comm... codes.
At common law the def... with the general issue any ... not require a different pro... cluded to the country.—ex... and this was excepted from ... was an admission ... action. Gould's Plead... And under the code ... besides contravening the ... complaint by denying the ... stance and offset the gen... many defenses as he may ... state them separately, pro... special plea. Code of C...
My conclusion is, that th... action for infringement, ... and defendants, except as ... provided by the act of con... by and must conform to th...
The special pleas not ... qu ired by that law, the m... out is allowed (Code Civ.) ... had, incident the general ... been allowed, as to that ... clusion results; it unnece... er the pleas as to the oth...
The first one, which is ... the patent act of 187... R. S.), does not also ... fer dant was not ... in infringement otherwise th... entire being affected by ...
The second one appears to ... of the special matter of w... given under the general ... emba was not the origin... of the thing patented. T... for striking it out. Brad... But the third one setti... good defense, which is ... Walk Pat., §188.
C. P. Heath, for the ...
D. P. Rounds, for the ...

The Hon. George H. Pendleton is running for United States senator in Ohio, with the Cincinnati Enquirer hot after him. He is "civil service bill" is the chicken which has come home to roost. Ohio democrats are seeing to one another: "What are we here for" if not to crush the conception of such un-dem... cra ic measures? It is to be no baby big... when the factions of the Ohio legislature lock horns.

THE EAST.

Transcontinental Tonches 50, and C. P. and N. 30.

GOV. BUTLER WRITES A SARCASTIC LETTER.

Five Thousand Men Thrown Out of Employment—Important Railroad News—General Grant's Condition.

Butler Becomes Too Utterly Sarcastic.

Boston, Dec. 29.—General Butler has written a letter to explain the constitution of the mass of Stickney for Pond in a recent communication to counsel, declining to preside. He says: "The impression says the reason why the mistake did not strike his attention was that he never considered that Stickney was pardoned at all. He regarded to him that he was only, which he thought he had earned by good conduct. The governor add: 'I admit the mistake. It was a lapse of memory. I have only one politician to offer for sale. There have been do many republicans who were treasurers of mills and others, was a prominent conv cts in the s ate prisons, who would have seen there if memory had failed them a little raised sometimes. I cannot always distinguish the special incidents of the crime of the Worst w Kept's friend and the controlling proprietor of the *Post*, from the of Noah, a friend of the Worcester *Spy*, or the crime of Stickney, who was convicted, from the treasurer who ran away to Canada, and who was not. No doubt also that many when I attempt to distinguish one as a Sabbath-school teacher from the other as a preacher, as I do on always know which was which, but I know one was one, and the other was the other. If you will... from the public if the difficulties under which I labor when I am called up with counsels of this kind, for whom I entertain very much respect, be sought by very respectable men, you will at least give him an opportunity to sympathize with me."

Delmers' Statement is Pronounced Untrue.

Washington, Dec. 29.—Secretary Delmer tonight made the following statement in relation to the Pond matter: "I have not acted in the chamber of deputies ing Dr. Delmer has by this government to investigate the charges of fraud in the Pond case. The official report that all charges in the cases wherein fraud was made its appearance be destroyed. Mr. Mor on requested and received from me a letter, which I declined to write, stating that I had destroyed certain documents immediately caused inquiry to be made at the agricultural department, in whose employ Delmer has been, and this afternoon secretary Morton and Commissioner Colman stated unanswerably, in substance, that the charges were very prevalent in the west, and that I had been informed by letters carelessly sent to a market that he had a new spring wagon part, expressed erroneous views on sweeping reforms in the service, that Curtis and Delmer were expected to be investigating tricksters, report to the agricultural department that there is very little of peace of any kind; that farmers are manifesting that great care is taken by boxers and packers to send healthy pork to market, that the commissioner of agriculture entirely accept a Curtis statement; and that at a meeting of the State farmers' association it was unanimously stated that no disease ever occurred in swine in Illinois, Michigan, Indiana, Wisconsin and Ohio, without the knowledge thereof.

General Grant's Condition

New York, Dec. 29.—Special.—The *Herald* says of Grant's thirst; it was not, as first reported, to get... out of the carriage; that the general felt he was just about to pass a sleep which he might not wake up from the use, and he felt, striking his left leg upon the first step. He tried to raise, but found he could not do it; then tried to drag, so he thought, dragging off, jumped from the box and ran to his assistance. Finding that he could not put his left foot under him, the general fell forward on the steps, and the attendants ran to his aid, rang the bell and summoned a colored guard. Meanwhile Grant lay upon the sidewalk, resting a left arm upon the first step of the stoop, and experiencing great pain. They may helped him up into the hallway, and sat him down upon a chair in the elevator, which took him to his room, where he passed a comfortable night.

New York, Dec 29.—There was a marked improvement in General Grant's condition today. The pain was not as severe as yesterday, and the swelling of the right. Physicians say he will be out in three or four days.

Court-Martial Sentences Approved.

Washington, Dec. 29.—The president has approved the sentence of the court-martial in the case of Captain Tousseint Moselle, U. S. A., convicted of cheating duplicate pay accounts. The sentence was that he be dismissed the service. He also approved the sentence of the court martial in the case of Captain Chambers McKibben, U. S. A., convicted of a similar offence, but with the minor mitigating circumstance, was only sentenced to numbers in the relative rank of captain of infantry. It is understood that the court-martial in the case of Lieutenants W. H. Clark, Twenty-third infantry and Joseph J. Cummings, Third infantry, on charges of duplicating pay accounts, found them guilty and sentenced them to be dismissed the service.

Special Committee on Shipbuilding Organized.

Washington, Dec 29.—Special.—There is a general impression that the speaker has organized a select committee on American ship building and shipping interests, consisting of five—Hiscock, chairman, composed of Skinner, Dezeter, Dibble, Throckmorton, Hunt, Findley, Lore, Hiscock, O'Neill, Colerane and Long. A gentleman who has seen the list views coming of the members says that it is almost certain that no fresh ship bill will be reported by these. His chance Mersey, Detroit, Dibble, Hunt and Lore are opposed to free ships.

Will Order an Investigation.

Washington, Dec. 28.—The secretary of the interior has decided to direct the surveyor-general of New Mexico to ascertain the truth of allegations made in the memorial of Hon. Trinidad Romero, delegate of the proposed Colfax Arundaris grant of New Mexico was, by fraud or gross error or ignorance, thrown into said grant, and to report to the department touching about fifty square miles of valuable government mineral land. The papers presented in the secretary's petition, make a strong at owing in support of the alleged error.

To Establish an Inventors' Institute.

Chicago, Dec. 29.—Captain Alphonso Hadd Keech, a well-known inventor of San Francisco, is now in the city for the purpose of establishing in that city an inventors' institute, similar to an organization of that name that has been successfully founded in San Francisco. The only evidence of the possibility of these plans is that Keech has presented a number of articles to the San Francisco papers. Captain Keech carries with him models of many of his invent ons. He proposes to lecture on inventions and patent laws and matters pertaining thereto, before leaving the city.

Judge Payson's Work.

Chicago, Dec. 29.—A Washington special says of Judge Payson, who was in the west this summer investigating Pacific roads, that he is the most industrious and economizing man in the house, but that he is doing the most decisive work of any of the committee members. He has completely mastered the whole subject of railroad land grants and you will find, before his term is up, prepared a report on the entire work some of those many millions of acres now held by speculators will be thrown upon for public settlement by bona fide settlers.

American Officers Secured by China.

New York, Dec. 29.—At 8 o'clock this after noon, ex United States army officer and well-known bridge builder who was conspicuous in connection with the building of the elevated railroad in this city, left on the Pacific express for a point in the far interior of this state in San Francisco, but it is learned that they were under commission from the Emperor of China. He will leave San Francisco to take part in the prospective war between France and China in Tonquin.

Suit against a Medical College.

New York, Dec. 29.—Suit has been instituted on behalf of the state to annul the charter of the Eclectic medical college, on the ground that it was obtained a provision of its charter, in issuing diplomas in blank, thus enabling persons not qualified to insert their names and illegally practice medicine.

Five Thousand Men Thrown Out of Employment.

Pittsburg, Dec. 29.—In accordance with resolutions adopted at the last meeting of the Western Nail Association all factories in the west closed today to right for a period of six weeks. Manufacturers hope to improve the trade by restricting production. The suspension throws over 5,000 men out of employment.

Strike Threatened.

Pittsburg, Dec. 29.—Employes of tableware glass houses have been notified of a reduction of 12½ per cent., to take effect January 1. In this city there are twelve factories which employ 1500 girls. The manufacturers give as a reason for the reduction the prevailing dullness of trade. A meeting of employes will be held to promise to cons der the matter. It is believed that they will refuse to accept the reduction and order a strike.

Committee Report Adopted.

New York, Dec. 29.—Flour trade members of the produce exchange to day adopted the report of the special committee appointed to amend the rules. The report recommended that the rules adopted in 1881, the New York produce exchange shall take control of the inspection of flour, and after such date no other inspection will be recognized by the exchange.

Will not Shut Down.

Steubenville, O., Dec. 29.—The Jefferson Iron Works and the Spaulding Iron Works will not shut down, as ordered by the Western Nail Association. The Jefferson belongs to the association, and its action is the first rebellion in the history of the association.

Decides Against the Chinese.

Washington, Dec. 29.—The secretary of the treasury has decided, in the case of the Chinaman, Lee Gan, at New York on the appeal from collector Hedden, that they cannot be landed in the United States, but may be transferred to any other vessel that may be going to a foreign country.

THE PRIZE RING.

WHAT SULLIVAN SAYS OF PADDY RYAN.

Chicago, Dec. 29.—Sullivan, now at Lendville speaking of Paddy Ryan's withdrawal, said to a correspondent: "Now, Paddy will have to meet our person me. He never meant to stand before me, because he knows I could do him up in two minutes. He has proved himself a coward, and the people will treat. I shall go to Frisco all the same, and possibly arrange a match with Miller, the Australian champion. I will offer him $1000 to stand before me for four rounds." Sullivan was drinking heavily this morning. After the performance at the Z—o he engaged in an altercation with Pete McCoy, who smashed a chair over his head. Sullivan soon subdued the second lamp and buried it at McCoy, who dodged, thus averting ser ous results. The city marshal interfered, when Sullivan, stimulated to assault him, took the marshal's advice to stop.

A SHANGHAI A MERCH BETWEEN SULLIVAN AND HUSSEY

Chicago, Dec. 29.—Parson Davies is trying to arrange to have Sullivan meet Sheriff the "Professor," at San Francisco, and thus make good the en agement with which failed by reason of "Paddy Ryan's backdown. He has written to Sullivan to that effect. Sheriff declares he is willing ass to meet Sullivan

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IN WALL STREET.

Transcontinental Tonches 30, and C. P. and N. 30.—Northern Pacifics Firm.

MONEY—REPORT.

New York, Dec. 29.—The stock market was irregular, but on the main, firm. This morning Union Pacific declined to 57¾, Villards opened weak and lower, Northern Pacific selling down to 33¾, preferred to 50, and Oregon and Transcontinental to 33½. Subsequently, under purchases to cover, Northern Pacific rose to 34¼, preferred to 51½, Oregon and Transcontinental 37½ a. Oregon Navigation rose 1 per ct. Oregon Railway & Navigation 84,946295. At noon attacks continued firm. In Villards, however, there was a reaction of ½ to 1 per cent. Our quarter per cent. was bid to put 1200 shares of North ru Pacific preferred at 49 to-day.

AFTERNOON REPORT.

New York, Dec. 29.—Government is a fraction lower. Stocks opened firm, and advanced ¼ to ⅝ per cent. Villards, however, were weaker in first sales, Northern Pacific opening at 33¾, preferred 50, and Oregon and Transcontinental 37¼. The list generally continued weak throughout the first hour and sold as low as 33¾, Northern Pacific being the leading Northwest to the way down. Before 11 A. M. under purchases to cover shorts, Northern Pacific rose 2⅜ per cent, preferred 1½, Oregon and Transcontinental 1¼, and Oregon Navigation 1⅜. Mount ue Union Pacific fluctuated between 57½ and 57¾.

Near noon offers pressing, Central Pacific ¾, Lake Shore ¾, Northern Pacific ¾, preferred 1¼, and Oregon and Transcontinental ⅝. The decline was succeeded by a rebound, and prices rallied ¾ to 1 per cent. In the general list, and ¾ to 1¼ in Northern Pacific, Oregon and Transcontinental and Oregon Navigation. In the last hours of business Villards became heavy, for Oregon and Transcontinental and Oregon & Navigation. It was currently reported that ind ders were selling. This rumor grew out of the fact that a large line was offered for sale in the Boston stock exchange, which was not taken by the seller. This broker had an order to sell 5000 shares of Oregon and Transcontinental, but this was not on account of anyone connected with Villard's properties, and it is thought he was employed by shorts in the slide.

There was also a report this afternoon that withdrawals from the Oregon and Transcontinental syndicate had been in progress for some days. Subscribers to the syndicate are said to number 1,000 to 1,200, and include many belonging to the Vanderbilt, Huntington, Blackmore, Gould and Russell interests. Northern Pacifics were well distributed among the rich, preferred selling up to 53¾ and common to 34¾@34⅜. The general impression is that Villard's present position is a strong one, and common to 34¾@34⅜. The general impression is that Villard's present position is a strong one, and that the present selling under pressure is entirely unnecessary. Should the Northern Pacifics be well sustained during the week, preferred selling up to 53¾